

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15166 of the Vermont Avenue Baptist Church, pursuant to 11 DCMR 3107.2, for a variance to allow an addition to an existing structure (Sub-section 2001.3), a variance from the allowable lot occupancy requirements (Sub-section 403.2), and a variance from the roof structure setback requirements [Paragraph 400.8(b)] for the proposed construction of an addition to an existing nonconforming church structure in an R-4 District at premises 1630 Vermont Avenue, N.W., (Square 277, Lot 48).

HEARING DATE: November 8, 1989
DECISION DATE: November 8, 1989 (Bench Decision)

FINDINGS OF FACT:

1. The property is located on the west side of Vermont Avenue between Q and R Streets and is known as premises 1630 Vermont Avenue, N.W. It is zoned R-4.
2. The site is irregularly shaped with a frontage of 227.9 feet along Vermont Avenue, a depth of 102.8 feet along the southern boundary, and a depth of 161.86 feet along the northern boundary. The site has a lot area of approximately 29,417.4 square feet.
3. The site abuts ten and sixteen foot wide public alleys to the west and north respectively. The site is located approximately two blocks north of Logan Circle.
4. The area surrounding the subject site is predominantly developed with row dwellings and apartment houses. There is a nonconforming grocery store to the north of the site. Metropolitan Baptist Church is located one block north of the site across R Street. The nearest commercially zoned property is located to the east along 11th Street.
5. The site is currently improved with a church which was constructed in 1872 to replace the original frame church established on the site in 1866. The southern portion of the site was formerly developed with six row dwellings which have been razed.
6. The applicant proposes to construct a three-story addition to the existing church. The proposed addition would house a non-commercial bowling alley which will be

open once per week for free community use; a Golden Age Center which will provide programs for senior citizens on a daily basis; vocational skills training for community youth; expanded kitchen facilities; and multipurpose rooms to be used for meetings, banquets and special events.

7. By its Order No. 14380, dated October 17, 1986, the Board approved the variance relief necessary for the construction of a similar addition to the church. Due to financial constraints, the applicant has modified the plans originally approved by the Board. The modification to the plans generally consists of the following changes:

- a. The roof terraces have been eliminated;
- b. The stairwell accessing the roof terraces has been eliminated.
- c. The cornice line of the new structure will be even with the cornice line of the existing structure.
- d. The interior spaces have been modified but do not affect the exterior of the proposed structure.

The footprint, height, purpose, penthouse location and design are as originally approved by the Board. No additional variance relief is requested.

8. The Zoning Regulations allow a maximum lot occupancy of sixty percent for the proposed development. The proposed construction would result in a lot occupancy of 21,576.56 square feet or 73.34%. A variance of 3,926.6 square feet or 13.34% is therefore required.

9. The Zoning Regulations require that penthouse walls be set back from all exterior walls. The front wall of the proposed penthouse is located flush with the face of the building. A variance of 13.89 feet or 100% is therefore required.

10. The site is a composite of several small lots subdivided in to one. The composite results in an irregularly shaped lot which creates a practical difficulty in its development as it relates to lot occupancy. The requested variance will not adversely impact the surrounding properties. The proposed addition complies with all other open area and bulk requirements of the R-4 District.

11. The small size, irregular shape of the site, the design of the existing church structure, and fire code regulations further create a practical difficulty relative to the placement of the roof structure. These conditions dictate to a large extent how the building will function internally especially with regard to stair placement,

adequately spaced stair shafts for emergency evacuation purposes, and cohesiveness of function between the existing structure and the proposed addition.

12. The penthouse wall extends the full length of the Vermont Avenue facade. The length and height of this wall serve to unify the architectural similarities of the existing structure and the proposed addition. All roof top mechanical equipment is enclosed to prevent adverse visual or audio effects.

13. The church had a traffic analysis conducted during the processing of BZA Application No. 14380 which addressed the issues of parking and traffic flow resulting from the planned expansion. The analysis concluded that no additional adverse situation will result from the expansion of the facility. There are 13 parking spaces on the site. The church owns a parking lot, across the street from the existing structure, on the east side of 12th Street. There is space for 57 cars on the lot, a size that is adequate to meet current, as well as anticipated future needs. The church owns a large bus and two station wagons, which are used for transporting parishioners. Use is also made extensively of the Metrobuses, and many members walk from their homes in the neighborhood. There are six Metrobus lines that provide service for churchgoers: the P1 and P2 lines on Vermont Avenue, the P7 line on 13th Street, the G2 line on P Street, and the G4 and G6 lines on Rhode Island Avenue.

14. On Sundays, there are two church services. At the larger of these services, there are typically 1000 worshippers in attendance. It is not expected that there would be a greater number of people at any of the receptions in the proposed addition than now attend Sunday services.

15. The Office of Planning (OP), by memorandum dated October 31, 1989, recommended approval of the application. The OP was of the opinion that there are exceptional conditions related to the property which support the finding of a practical difficulty in strictly complying with the roof structure and lot occupancy provisions of the Zoning Regulations. The OP was further of the opinion that the design of the proposed roof structure would not substantially impair the intent of the Zoning Regulations nor be a detriment to the surrounding area from an aesthetic view point and that the proposed construction would have a stabilizing effect on the neighborhood.

16. The Board, at the public hearing of November 8, 1989, waived its seven-day filing requirement to accept the report of ANC 2C. Advisory Neighborhood Commission 2C, by letter dated November 3, 1989, supported the granting of the

application with the condition that the applicant maintain seventy off-street parking spaces for church use.

17. The record contains one letter in opposition to the case and a neighboring property owner testified at the public hearing in opposition to the application. The opposition was generally based on the following:

- a. The parking demand generated by the church is burdensome on neighboring residents currently and would worsen after the proposed expansion.
- b. The addition would block the light and air to adjoining residences.
- c. The adjoining residences would have no access from their rear yards after construction of the proposed addition.

18. In addressing the concerns of the opposition, the Board notes that the applicant is providing off-street parking in excess of that required by the Zoning Regulations to accommodate the patrons of the church. The Board further notes that the applicant is in compliance with the height, side and rear yard provisions of the Zoning Regulations and, therefore, the proposed addition should have minimal impacts of the light and air to adjoining properties. The question of access to the rear yards of the opposition's residences can not be addressed by this Board in that the Board is unaware of any existing easements or covenants giving access to neighbors over the subject site and the Board is further unaware of whether access to the rear yard of the opposition exists at present.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking area variances, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some exceptional or extraordinary condition inherent in the property itself. The Board further must find that approval of the requested relief will not substantially impair the intent and purpose of the Zone Plan as embodied in the Zoning Regulations and Map.

The Board concludes that the applicant has met the requisite burden of proof. The irregular shape and small size of the lot, the existing church structure which pre-dates the adoption of the 1958 Zoning Regulations, and the need to comply with D.C. building and safety codes combine to create a practical difficulty upon the owner in developing the subject site.


The Board further concludes that, as hereinafter conditioned, the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zone Plan. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly it is hereby ORDERED that the application is GRANTED, SUBJECT, to the following CONDITIONS:

1. The existing parking spaces shall be maintained.
2. A more responsive system shall be created for the removal of cars that are double parked and blocking residents' vehicles.
3. At least one person from the church shall act as liason with the community.

VOTE: 4-0 (Paula L. Jewell, Lloyd Smith, William F. McIntosh and Carrie L. Thornhill to grant; Charles R. Norris not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: MAY 7 1990

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT.

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE

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OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND
REGULATORY AFFAIRS.

15166order/BHS18

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APPLICATION No. 15166

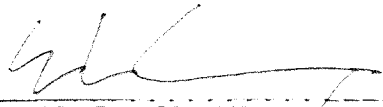
As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated MAY 7 1990, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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Garrison Elementary School
1200 S Street, N.W., Suite 202
Washington, D. C. 20009



EDWARD L. CURRY
Executive Director

DATE: MAY 7 1990